

Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case: BA2006056

Variance

Hearing Date:

September 13, 2006

Agenda Item:

2

Supervisory District:

4

* Indicates revisions or new information since the July 12, 2006 hearing date.

Applicant:

Bigelow Storage Buildings Inc.

Property Owner:

Carl Parish

Request:

Variance to permit:

A proposed detached accessory structure (garage) to setback 5 feet from the side (west) property line where 30 feet is the minimum required in the Rural-43 zoning district.

This variance is requested from the following Zoning Ordinance Section(s):

Section 503, Article 503.4.2

Site Location:

16502 W Lower Buckeye Road – Lower Buckeye Road and 165th Avenue (Buckeye area)

Site Size:

46,659 square feet (1.1 acres)

Existing Zoning:

Rural-43

Current Use:

Residential

***Citizen**

Support/Opposition:

One letter of support and one letter of opposition have been received.

Staff

Recommendation: Deny

Existing On-Site and Surrounding Zoning:

- 1. On-site: Rural-43
- North: Rural-43
- South: Rural-43
- East: Rural-43
- West: Rural-43

Existing On-Site and Surrounding Land Use:

- 2. On-site: Single-family residence
- North: Single-family residence
- South: Lower Buckeye Road; then single-family residence
- East: 165th Avenue; then single-family residence
- West: Single-family residence

Background:

- 3. **Circa 1972:** Sarival Gardens subdivision was recorded.
- 4. **Circa 1983:** The existing single-family residence was constructed on the subject site.
- 5. **May 7, 1999:** The current owner took possession of the subject site via a Warranty Deed recorded under docket **990441937**.
- 6. **May 24, 2006:** The current owner applied for this variance request.
- *7. **July 12, 2006:** This case was continued by the Board of Adjustment.

Findings:

- 8. **Maricopa County Department of Transportation:** No response at the time this report was written.
- 9. **Flood Control District:** No response at the time this report was written.
- 10. **Environmental Services Department:** No response at the time this report was written.
- 11. **Drainage Administration:** No drainage concerns.

Site Analysis:

12. The subject site is rectangular in shape measuring 150 feet by 310 feet for a total area of approximately 46,659 square feet. The property fronts Lower Buckeye Road but takes its access from 165th Avenue. It is landscaped with a few large trees, small cacti and flowering bushes. The site is free of any physical or topographical hardships that may prevent further development of the lot.
13. The site is currently developed with a 1,922 square foot single-family residence that was constructed in 1983 as well as a 132 square foot horse pen. There are various other equestrian related features on the site including a smaller rectangular pen, and a fenced horse pasture. The applicant is proposing to construct a 300 square foot garage on the west portion of the site behind the existing block fence.



Aerial photograph of subject site



Proposed location of new garage behind block fence

14. The following table is included to illustrate and contrast the standards for the underlying zoning district with those proposed by the applicant.

Standard	Rural-43 Zoning District	Proposed Standard
Front Yard Setback	40-feet	42-feet
Rear Yard Setback	40-feet	197-feet
Side Yard Setback	30-feet	5-feet
Street Side Setback	20-feet	56-feet
Maximum Height	30-feet/2 stories	**
Minimum Lot Area	43,560 sq. ft.	46,659 sq. ft.
Minimum Lot Width	145-feet	150-feet
Lot Coverage	15%	5.7 %

*Standards indicated in **bold** do not meet minimum base zoning standards.

** Information not provided by applicant.

Land Use Analysis:

15. The subject site is located within a Class 1 County Island and is surrounded by the City of Goodyear. It is located within the Sarival Gardens subdivision, which is a 241-lot single-family residential subdivision. More than half of the subdivision has been annexed into the City of Goodyear in approximately 1984. The lots in this area are typically one acre or larger and are developed with larger single-family residences. The area immediately surrounding the subject site is rural in nature with paved roads.

16. Staff research revealed three variance requests in the immediate area. These cases are described below:
- Case **BA2001045** was a request for a variance to permit a proposed detached garage to set back 13 feet from the side (north) property line where 30 feet is the minimum required in the Rural-43 zoning district. The request was approved with stipulations on August 15, 2001. The site address is 2412 S. 165th Avenue, approximately 775' north of the subject site.
 - Case **BA2001076** was for variances to permit: 1) an existing detached accessory structure with a setback of 8 feet from the side (west) property line where 30 feet is the minimum required; and 2) an existing detached accessory structure with a setback of 30 feet from the rear (north) property line where 40 feet is the minimum required in the Rural-43 zoning district. These requests were denied by the Board on December 12, 2001. The site address is 16532 W. Lower Buckeye Road, approximately 150' west of the subject site.
 - Case **BA99-53** was for variances to permit: 1) an existing lot width of 137.5 feet where 145 feet is the minimum required; 2) an existing lot area of 13,406 sq. ft. where 43,560 sq. ft. is the minimum required; and 3) permit an existing residence to setback 14 feet from the rear (south) property line where 40 feet is the minimum required in the Rural-43 zoning district. The requests were approved on August 11, 1999. The site address is 3205 S. Citrus Road, approximately 1.62 miles west of the subject site.

Plan Analysis:

17. The applicant is requesting a variance to allow a proposed detached accessory structure (garage) to setback where 5 feet from the side (west) property line where 30 feet is the minimum required in the Rural-43 zoning district. It is noted on the supplemental questionnaire that it would be a significant financial burden to place the garage anywhere else on the site. This alone is not justification to grant a variance. The applicant also stated that locating the proposed detached accessory structure any further east would impact the flow of irrigation on the site.
- *18. This case was continued from the July 12, 2006 hearing, giving the applicant and owner time to revise the site plan to show the owner's proposed future addition to the existing home. It was suggested to the applicant by staff to move the garage next to the proposed addition and attach the structures at the roofline, eliminating the need for the current variance. The applicant and owner chose not to move the location of the proposed garage and continue to seek this variance.
19. Staff believes there are reasonable alternatives to this variance request. The property owner could locate the proposed structure anywhere on the property within the building envelope. There is significant space on this one acre property to the rear of

the home that could accommodate this structure. It might require the owner to move the corral fence but this would alleviate the need for this variance request. Another alternative would be to place the proposed structure in the required rear yard. Staff is sympathetic to the owner's request, but could find no evidence of any physical or topographical hardship that would require the proposed garage to be placed in the requested location. Therefore, staff recommends denial of this variance request.

Recommendation: (BA2006056)

20. Staff recommends **denial** of this variance request based on the following:
- The request conflicts with the intent of the Zoning Ordinance.
 - There are no physical or topographical hardships associated with this site and any hardship is self-created.
 - There are reasonable alternatives available to the applicant that would eliminate the need for this variance request.
 - Granting this request would confer a special privilege to the owner.
 - There is reasonable use of the property without the requested variance.
21. If the Board finds that a reasonable use of the property can not be made without this variance, then this request may be approved subject to the following stipulations:
- a) General compliance with the site plan dated August 8, 2006.
 - b) Applicant must obtain all necessary permits within 180 days of Board approval.

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Attachments: Case Map BA2006056
Zoning Map
Assessor Map
Site Plan
Application
Supplemental Questionnaire
Photographs of the site (6 pages)
* Letter of Opposition
* Letter of Support